

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1199

Introduced by

Representatives K. Koppelman, Ista, Jones, B. Koppelman, Paur, Satrom, Steiner

Senators Clemens, Luick, Wobbema

1 A BILL for an Act to amend and reenact section 57-28-20 of the North Dakota Century Code,
2 relating to the disposition of proceeds from tax lien foreclosures.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 57-28-20 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **57-28-20. Disposition of proceeds of sales.**

7 All proceeds from the public or private sale of property under this chapter must be
8 apportioned as regular tax payments are apportioned among and within taxing districts in which
9 the property is located, as follows:

- 10 1. The county treasurer shall issue a regular tax receipt in the name of the county,
11 beginning with the earliest year for which the taxes are delinquent. Tax receipts must
12 be written for the ~~original~~ amount of the tax, ~~without~~with penalty and interest. If the
13 property was sold for an amount sufficient to cover all outstanding taxes ~~and~~, special
14 assessments, ~~penalties~~, interest, and costs associated with selling the property, tax
15 receipts must be written for all such years, and any remaining amount must be
16 ~~credited to the general fund of the county~~owner of the record title of the real estate
17 ~~listed in the notice of foreclosure of tax lien, or to the decedent's estate if the owner of~~
18 ~~the record title of the real estate is deceased, unless another claimant receives a court~~
19 ~~order requiring the funds be deposited with a court that will determine whether any of~~
20 ~~the proceeds should be paid to a lienholder or other party~~retained by the county for
21 ninety days following the date of the sale. After the ninety-day retention period, any
22 excess proceeds must be distributed:

- 1 a. To the owner of the record title of the real estate listed in the notice of foreclosure
2 of tax lien if the owner of record submitted an undisputed claim for the excess
3 proceeds within the ninety-day retention period;
- 4 b. To the clerk of the district court in the county in which all or a majority of the
5 property is located if a disputed claim or multiple claims for the excess proceeds
6 were submitted within the ninety-day retention period; or
- 7 c. To the unclaimed property administrator under chapter 47-30.1 if a claim for the
8 excess proceeds was not submitted within the ninety-day retention period.
- 9 2. If the property is sold under a contract, the county treasurer shall issue tax receipts,
10 beginning with the earliest year for which taxes or special assessments are delinquent,
11 ~~without~~with penalty and interest, and all subsequent payments made on the contract
12 must be applied to the earliest remaining unpaid taxes or special assessments. Any
13 payment under the contract after all taxes and, special assessments, penalties,
14 ~~interest, and costs associated with selling the property are paid must be credited to the~~
15 ~~county general fund~~owner of the record title of the real estate listed in the notice of
16 ~~foreclosure of tax lien, or to the decedent's estate if the owner of the record title of the~~
17 ~~real estate is deceased, unless another claimant receives a court order requiring the~~
18 ~~funds be deposited with a court that will determine whether any of the proceeds should~~
19 ~~be paid to a lienholder or other party~~retained by the county for ninety days following
20 the date of the sale. After the ninety-day retention period, any excess proceeds must
21 be distributed in the manner provided in subsection 1.
- 22 3. If the property is sold for less than the total amount of the taxes due, the treasurer
23 shall write tax receipts beginning with the earliest year and for as many subsequent
24 years as the proceeds realized from the sale will satisfy, and the remainder of any
25 unpaid general taxes or special assessments must be canceled by the board of county
26 commissioners.
- 27 4. A city or county that acquires a tax deed to property shall make reasonable efforts to
28 sell the property for the amount necessary to satisfy the outstanding taxes, penalties,
29 and interest owed on the property and shall distribute any remaining sale proceeds in
30 the manner provided in this chapter.